

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 1-18 and 21-22 are pending. The amendments are fully supported by the original disclosure and, thus, no new matter is added by their entry. They are amended to correct informalities. The title and abstract are amended to be more descriptive. Withdrawal of the objections is requested.

A newly executed Declaration is submitted identifying the mailing address of each inventor.

35 U.S.C. 112 – Enablement

The Patent Office has the initial burden to question the enablement provided for the claimed invention. M.P.E.P. § 2164.04, and the cases cited therein. It is incumbent upon the Patent Office, whenever a rejection on this basis is made, to explain why it doubts the truth or accuracy of any statement in a supporting disclosure and to back up assertions of its own with acceptable evidence or reasoning which is inconsistent with the contested statement. *In re Marzocchi*, 169 USPQ 367, 370 (C.C.P.A. 1971). Specific technical reasons are always required. See M.P.E.P. § 2164.04.

Claims 1-8, 11-15 and 18-22 were rejected under Section 112, first paragraph, because it was alleged that the specification “does not reasonably provide enablement for analogs, solvates, derivatives, and prodrugs of formula I.” Applicants traverse because the present amendments delete analogs, solvates, derivatives, and prodrugs from the claims because such limitations are not required for patentability.

Claims 7-8 were rejected under Section 112, first paragraph, because it was alleged that the specification “does not reasonably provide enablement for treatment of a disorder associated with any other bacteria.” Applicants traverse because the present amendment limit claims 7-8 to treatment of infections caused by Gram positive bacteria and psoriasis.

Withdrawal of the enablement rejection made under Section 112, first paragraph, is requested because it would not require undue experimentation for a person of skill in the art to make and use the claimed invention.

35 U.S.C. 112 – Definiteness

Claims 1-8, 11-15 and 18-22 were rejected under Section 112, second paragraph, as being allegedly “indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” Applicants traverse because the present amendments address the objections raised on pages 6-7 of the Office Action.

Claim 6 is not a substantial duplicate of claim 1 because only the former refers to a pharmaceutical composition.

Claims 18 is canceled without prejudice or disclaimer.

Applicants request withdrawal of the Section 112, second paragraph, rejection because the pending claims are clear and definite.

Conclusion

Having fully responded to the pending Office Action, Applicants submit that the claims are in condition for allowance and earnestly solicit an early Notice to that effect. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Gary R. Tanigawa/

Gary R. Tanigawa
Reg. No. 43,180

901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100